
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 431:10C-117, Hawaii Revised Statutes,
2 is amended by amending subsection (a) to read as follows:
3 "(a) (1) Any person subject to this article in the capacity of
4 the operator, owner, or registrant of a motor vehicle
5 operated in this State, or registered in this State,
6 who violates any applicable provision of this article,
7 shall be subject to citation for the violation by any
8 county police department in a form and manner approved
9 by the traffic and emergency period violations bureau
10 of the district court of the first circuit;
11 (2) Notwithstanding any provision of the Hawaii Penal
12 Code:
13 (A) Each violation shall be deemed a separate offense
14 and shall be subject to a fine of no less than
15 [~~\$100~~] \$ _____ nor more than [~~\$5,000~~]
16 \$ _____, which shall not be suspended except
17 as provided in subparagraph (B); and



1 (B) If the person is convicted of not having had a
2 motor vehicle insurance policy in effect at the
3 time the citation was issued, the fine shall be
4 [~~\$500~~] \$ _____ for the first offense and a
5 minimum of [~~\$1,500~~] \$ _____ for each
6 subsequent offense that occurs within a five-year
7 period from any prior offense; provided that the
8 court:

9 (i) Shall have the discretion to suspend all or
10 any portion of the fine if the defendant
11 provides proof of having a current motor
12 vehicle insurance policy; provided further
13 that upon the defendant's request, the court
14 may grant community service in lieu of the
15 fine, of no less than seventy-five hours and
16 no more than one hundred hours for the first
17 offense, and no less than two hundred hours
18 nor more than two hundred seventy-five hours
19 for the second offense; and



1 (ii) May grant community service in lieu of the
2 fine for subsequent offenses at the court's
3 discretion;

4 (3) In addition to the fine in paragraph (2), the court
5 shall either:

6 (A) Suspend the driver's license of the driver or of
7 the registered owner for:

8 (i) Three months for the first conviction; and

9 (ii) One year for any subsequent offense within a

10 five-year period from a previous offense;

11 provided that the driver or the registered owner

12 shall not be required to obtain proof of

13 financial responsibility pursuant to section

14 287-20; or

15 (B) Require the driver or [~~the~~] registered owner to

16 keep a nonrefundable motor vehicle insurance

17 policy in force for six months;

18 (4) Any person subject to a fine under this section [~~and~~]

19 who fails to timely pay the fine shall be given an

20 opportunity to petition the court to demonstrate that

21 the person's nonpayment or inability to pay is not



1 wilful; provided that if the person petitions the
2 court, the court shall make an individualized
3 assessment of the person's ability to pay based upon
4 the totality of the circumstances, including the
5 person's disposable income, financial obligations, and
6 liquid assets; provided further that if the court
7 determines that the person's nonpayment or inability
8 to pay is not wilful, the court may enter an order
9 that allows additional time for payment; reduces the
10 amount of each installment; revokes the fee or fine,
11 or unpaid portion thereof, in whole or in part; or
12 converts any outstanding fine to community service;

13 (5) Any person cited under this section shall have an
14 opportunity to present a good faith defense, including
15 lack of knowledge or proof of insurance; provided that
16 the general penalty provision of this section shall
17 not apply to[+] any operator of:

18 (A) [~~Any operator of a~~] A motor vehicle owned by
19 another person if the operator's own insurance
20 covers such driving;



- 1 (B) [~~Any operator of a~~] A motor vehicle owned by that
- 2 person's employer during the normal scope of that
- 3 person's employment; or
- 4 (C) [~~Any operator of a~~] A borrowed motor vehicle if
- 5 the operator holds a reasonable belief that the
- 6 subject vehicle is insured;
- 7 (6) In the case of multiple convictions for driving
- 8 without a valid motor vehicle insurance policy within
- 9 a five-year period from any prior offense, the court,
- 10 in addition to any other penalty, shall impose the
- 11 following penalties:
- 12 (A) Imprisonment of no more than thirty days;
- 13 (B) Suspension or revocation of the motor vehicle
- 14 registration plates of the vehicle involved;
- 15 (C) Impoundment, or impoundment and sale, of the
- 16 motor vehicle for the costs of storage and other
- 17 charges incident to seizure of the vehicle, or
- 18 any other cost involved pursuant to section
- 19 431:10C-301; or
- 20 (D) Any combination of those penalties; and



1 (7) Any violation as provided in paragraph (2)(B) shall
2 not be deemed to be a traffic infraction as defined by
3 chapter 291D."

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on June 30, 3000.



Report Title:

Motor Vehicle Insurance; Fines

Description:

Increases the fines for violating motor vehicle insurance requirements. Effective 6/30/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

